

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

IN RE:	)	
	)	
MACCO PROPERTIES, INC.,	)	Case No. 10-16682-R
	)	Chapter 7
	)	
NV BROOKS APARTMENTS, LLC,	)	Case No. 10-16503-R
	)	Chapter 7
Debtors.	)	(Jointly Administered)

---

MICHAEL E. DEEBA, TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Adv. No. 12-1138-R
	)	
SUPERIOR FARM, LLC,	)	
	)	
Defendant.	)	
	)	
COBBLESTONE APARTMENTS	)	
OF TULSA, LLC; LARRY D. AND	)	
JEANETTE A. JAMISON FAMILY	)	
TRUST; AND JACKIE L. HILL, JR.,	)	
	)	
Intervenors.	)	

**ORDER CONCERNING COMPLIANCE WITH RULES 26(a)(1) AND (f) AND  
ORDER SETTING TELEPHONIC RULE 16(b) SCHEDULING CONFERENCE**

Counsel for the parties shall conduct a Rule 26(f) conference in person or by telephone on or before **February 4, 2016**.

Counsel shall exchange information and documents required by Rule 26(a)(1) of the Federal Rules of Civil Procedure on or before **February 4, 2016**.

A joint written report of the results of the Rule 26(f) conference and a discovery plan shall be filed with the Court on or before **February 11, 2016**. Counsel shall submit the Joint Report and Discovery Plan in the form attached to this Order as Exhibit A.

A telephonic scheduling conference shall be held on **February 18, 2016 at 10:00 a.m.** Parties participating in this hearing shall **DIAL-IN** to the hearing using the toll-free dial-in number **877-336-1839**, the Access Code of **7988277#** and the Security Code of **0218#**.

Further instructions for compliance with this Order are attached hereto.

**SO ORDERED** this 14<sup>th</sup> day of January, 2016.

  
DANA L. RASURE  
UNITED STATES BANKRUPTCY JUDGE

**Attachment and Instructions for  
Order Concerning Compliance with Rules 26(a)(1) and (f) and  
Order Setting Telephonic Rule 16(b) Scheduling Conference**

The Order Concerning Compliance with Rules 26(a)(1) and (f) and Order Setting Telephonic Rule 16(b) Scheduling Conference (the "Order") establishes deadlines in which the parties to this adversary proceeding shall comply with Rules 26(a)(1) and (f) of the Federal Rules of Civil Procedure, which are made applicable to this proceeding pursuant to Bankruptcy Rule 7026. The deadlines set forth in the Order supersede those set by Rules 26(a) and (f).

**Rule 26(f) Conference.** Counsel for Plaintiff shall initiate the conference. Counsel who plan to appear at trial shall discuss the following matters:

- (1) Any matter relating to jurisdiction or venue or the joinder of additional parties.
- (2) The nature and bases of their claims and defenses and the possibilities for a prompt settlement or resolution of the proceeding.
- (3) A schedule of all pre-trial proceedings.
- (4) The suitability for referral of the proceeding to an adjunct settlement judge.
- (5) Any other matters which counsel may feel will help dispose of the proceeding in an efficient manner.

**Joint Report and Discovery Plan.** Counsel for the Plaintiff shall initiate the communications necessary to prepare and file the Joint Report and Discovery Plan. The Joint Report and Discovery Plan shall address each matter and substantially conform to the form of Joint Report attached hereto as Exhibit A.

**Rule 16(b) Scheduling Conference.** Counsel who will be responsible for trial of the adversary proceeding for each party shall participate in the Rule 16(b) conference. Counsel shall be prepared to discuss the elements of their respective claims or defenses.

If this matter has been resolved and the hearing is not necessary, please call the Courtroom Deputy at 918-699-4085.

FAILURE TO COMPLY WITH THE ORDER MAY RESULT IN A SANCTION SET FORTH IN RULES 16(f) AND 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE, INCLUDING DISMISSAL OR DEFAULT JUDGMENT.

**EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA**

**IN RE:**

\_\_\_\_\_,  
**Debtor(s).**

\_\_\_\_\_,  
**Plaintiff,**

**v.**

\_\_\_\_\_,  
**Defendant.**

**Case No. \_\_\_\_\_-R  
Chapter \_\_\_\_\_**

**Adv. No. \_\_\_\_\_-R**

**JOINT REPORT AND DISCOVERY PLAN**

Plaintiff \_\_\_\_\_ ("Plaintiff") and Defendant \_\_\_\_\_

("Defendant"), through counsel, provide the following Joint Report under Federal Rule of Civil Procedure 26(f) pursuant to the Order Concerning Compliance with Rules 26(a)(1) and (f) and Order Setting [Telephonic] Rule 16(b) Scheduling Conference entered on \_\_\_\_\_ (Doc. \_\_\_\_).

1. *Set forth the jurisdictional basis of the proceeding, citing specific statutes.*
2. *Describe the nature of the proceeding, including the factual and legal basis of each claim.*
3. *List **each element of each claim** set forth in the complaint with citations to relevant legal authority (i.e., statutory or case law). For those claims in which the burden of proof shifts, the elements that the opposing party must prove shall be listed. Set forth any affirmative defenses to each claim with citations to relevant legal authority.*
4. *State the factual and legal issues genuinely in dispute and whether such issues may be narrowed by stipulation or motion.*

5. *State when the initial disclosures required by Rule 26(a) were made.*
6. *Set forth proposed deadlines for discovery and, if applicable, dispositive motions and/or disclosure of expert testimony.*
7. *Specify the number of hours required to present evidence in this proceeding.*
8. *Describe the prospects for settlement, including any request to have a settlement conference before a settlement judge or adjunct settlement judge.*
9. *Describe any other matters which may aid the Court in resolving the dispute in a just, speedy, and inexpensive manner.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Attorney Name, OBA # \_\_\_\_\_  
[Address/Telephone/Fax/Email]  
**ATTORNEY FOR PLAINTIFF**

\_\_\_\_\_  
Attorney Name, OBA # \_\_\_\_\_  
[Address/Telephone/Fax/Email]  
**ATTORNEY FOR DEFENDANT**